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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	PATENT
Norbert Weber et al.	:	
Serial No.: 10/544,110	:	Art Unit:
Filed: August 2, 2005	:	Examiner:
For: **PISTON-TYPE ACCUMULATOR**	:	

SUBMISSION OF ENGLISH LANGUAGE
PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

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Dated: March 17, 2006

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44*bis*.3(c) and 72.2)

To:

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Lange Strasse 51
70174 Stuttgart
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Bartels und Partner
Patentanwälte
Eingegangen:
Received: 09. MRZ. 2006
TERMIN .....

Date of mailing *(day/month/year)* 02 March 2006 (02.03.2006)	
Applicant's or agent's file reference 40cdh/229165	**IMPORTANT NOTIFICATION**
International application No. PCT/EP2004/000472	International filing date *(day/month/year)* 22 January 2004 (22.01.2004)
Applicant HYDAC TECHNOLOGY GMBH et al	

1. **Transmittal of the translation to the applicant.**

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☑ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 70 80

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Form PCT/IPEA/416
40cdh/229165		
International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2004/000472	22.01.2004	25.03.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant		
HYDAC TECHNOLOGY GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of _____ sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))
      _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/000472

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

☐ international search (Rule 12.3 and 23.1(b))

☐ publication of the international application (Rule 12.4)

☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-9 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-7 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/2-2/2 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to sequence listing *(specify)*: _____

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/000472

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1-6	NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report refers to the following documents:

D1: WO 02/12731 A (KITAHARA TOSHIAKI; YUDA AKIO (JP); NOK CORP (JP)), 14 February 2002 (2002-02-14), and EP 1 308 634

D2: DE 739 831 C (JOHANNES RAUH), 6 October 1943 (1943-10-06)

D3: FR 985 370 A (SIMMONDS AEROCESSORIES), 18 July 1951 (1951-07-18)

D4: US 4 041 990 A (RUNKLE DEAN E ET AL), 16 August 1977 (1977-08-16)

2. INDEPENDENT CLAIM 1

2.1 The application fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)). Document D1 discloses the following (the references in parentheses are to D1):

A piston-type accumulator with an accumulator housing taking the form of a cylindrical tube (3) in which a separating piston (7) that separates two working spaces (8, 9) from each other is able to

move in the axial direction within a piston stroke portion of the cylindrical tube (3), the accumulator housing being closed at both axial ends by closure parts (3a), at least one of which is integral with the wall of the cylindrical tube (3) as a result of the forming of a shaped portion (3b) of said wall adjacent to the piston stroke portion; wherein a stop element (17) is provided inside the cylindrical tube (3) at the transition between the piston stroke portion and the shaped portion (3b) to limit the movement of the separating piston (7) before it reaches the shaped portion (3b).

2.2 Other devices having the features specified in claim 1 are also known from document D2 (see in particular page 2, lines 82 to 92, and figure 1) and document D3 (see in particular page 3, left-hand column, third paragraph, and figure 1).

3. DEPENDENT CLAIMS

Dependent claims 2 to 7 do not appear to contain any additional features that meet the PCT requirements in respect of novelty or inventive step when combined with the features of any of the back-referenced claims. The reasons for this are as follows:

3.1 Regarding claims 2 to 6:

The subject matter of claims 2 to 6 lacks novelty (PCT Article 33(2)) (see document D1, especially EP 1 308 634, paragraphs [0036] to [0038] and figures 1 and 2).

3.2 Regarding claim 7:

The additional features specified in claim 7 do not involve an inventive step (PCT Article 33(3)). The same features have already been used for the same purpose in a similar device (see document D4, in particular column 3, lines 37 to 39, and figure 1). A person skilled in the art wishing to achieve the same purpose with a device as described in D1 could easily incorporate the features known from D4 with similar results. It would thus be possible to arrive at a device as defined in claim 7 without making an inventive contribution.

4. INDUSTRIAL APPLICABILITY

The claimed subject matter can be manufactured and used and is therefore considered industrially applicable.